

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:—There are two Extraordinary issues to the Official Gazette, Series I No. 46 dated 12-2-98 as follows:

- 1) Extraordinary dated 12-2-1998 from pages 907 to 910 regarding Notification from Department of Personnel.
- 2) Extraordinary No. 2 dated 18-2-1998 from pages 911 to 912 regarding Notification from Department of Law and Judiciary (Legal Affairs Division).

GOVERNMENT OF GOA

Department of Elections

Office of the chief Electoral Officer

Notification

3-1-87/ELEC-Vol.III

The following Corrigendum No. 56/98-J. S. III dated 31-1-1998 by the Election Commission of India, New Delhi is hereby published for general information.

D. N. Kamble, Asstt. Chief Electoral Officer.

Panaji, 3rd January, 1998.

ELECTION COMMISSION OF INDIA

*Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.*

*Dated: 31st January, 1998
11 Magha, 1919 (Saka)*

Corrigendum

No. 56/98/J. S. III.— In TABLE IV appended to the Commission's Notification No. 56/98, dated 10-1-1998, published in the Gazette of India, Extraordinary, part-II, section 3 (iii), dated 10-1-1998—

against "27-CHANDIGARH" in Column 1, the entry "40-Hockey" in Column 2 be read as "40-Hockey and Ball".

By order,

K. J. RAO

Secretary

Election Commission of India

Department of Law & Judiciary

Legal Affairs Division

Notification

10-4-98/LA(3)

The Payment of Gratuity (Amendment) Second Ordinance, 1997 (Ordinance No. 26 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 25th December, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st January, 1998.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 25th December, 1997/Pausa 4, 1919
(Saka)*

THE PAYMENT OF GRATUITY (AMENDMENT) SECOND ORDINANCE, 1997

No. 26 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Payment of Gratuity Act, 1972.

Whereas a Bill further to amend the Payment of Gratuity Act, 1972, has been introduced in Parliament but has not yet been passed;

And Whereas for giving effect to the provisions of the said Bill, the Payment of Gratuity (Amendment) Ordinance, 1997 was promulgated by the President on the 24th day of September, 1997;

And Whereas the House of the People has been dissolved and the Council of States is not in session and the President

is satisfied that circumstance exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, Therefore, in exercise of the powers conferred by clause (4) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Payment of Gratuity (Amendment) Second Ordinance, 1997.

(2) It shall be deemed to have come into force on the 24th day of September, 1997.

2. *Amendment of section 4 of Act 39 of 1972.*— In section 4 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in sub-section (3), for the words "one lakh", the words "two lakhs and fifty thousand" shall be substituted.

3. *Repeal and Saving.*— (1) The Payment of Gratuity (Amendment) Ordinance, 1997, is hereby repealed. Ord. 18 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,
President.

RAGHBIRSINGH,
Additional secy. to the Govt. of India.

Corrigenda

In the Essential Commodities (Special Provisions) Ordinance, 1997 (Ord. 21 of 1997) as published in the Gazette of India, Extraordinary, Part-II, Section 1, dated the 3rd October, 1997 (Issue No. 58),—

1. At page 1, in the preamble,—

(a) in line 7, for "crub the hoarding and backmarketing", read "curb the hoarding and blackmarketing";

(b) in line 8, for "effecively", read "effectively",

2. At page 2, in line 21, for "admendments", read "amendments".

3. At page 3, in line 37, for "a judge of High Court", read "a Judge of a High Court".

4. At page 4, in line 16, for "preson", read "person".

5. At page 5, in line 13, for "section 51A", read "section 15A".

Notification

10-4-98/LA(2)

The Merchant Shipping (Amendment) Second Ordinance, 1997 (Ordinance No. 27 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 25th December, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st January, 1998.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 25th December, 1997/Pausa 4, 1919
(Saka)

THE MERCHANT SHIPPING (AMENDMENT) SECOND ORDINANCE, 1997

No. 27 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Merchant Shipping Act, 1958.

Whereas the Merchant Shipping (Amendment) Ordinance, 1997 to further amend the Merchant Shipping Act, 1958 was promulgated by the President on the 26th day of September, 1997;

And Whereas the Merchant Shipping (Amendment) Ordinance, 1997 could not be replaced by an Act of Parliament due to the dissolution of the House of the People;

And Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exit which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Merchant Shipping (Amendment) Second Ordinance, 1997.

(2) It shall be deemed to have come into force on the 26th day of September, 1997.

2. *Amendment of section 89.*— In section 89 of the Merchant Shipping Act, 1958 (hereinafter 44 of 1958, referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

"(dd) to transmit the complaint of any dispute of a foreign seaman of a vessel, registered in a country other than India, in Indian territorial waters, with the master, owner or agent, to the competent authority of the country of registration and a copy of such complaint shall be forwarded to the Director General, International Labour Organisation office;"

3. *Amendment of section 132.*— In section 132 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A). Any complaint of dispute, received by the Shipping master from an Indian seaman, on a vessel registered in a country other than India in Indian territorial waters, with the master, owner or agent.”.

4. *Insertion of new section 138A.*— After Section 138 of the principal Act, the following section shall be inserted, namely:—

“138A. *Working hours of seamen.*— The ordinary hours of work for all seamen shall not exceed forty-eight hours in a week.”.

5. *Amendment of section 369.*— In section 369 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government shall on receipt of the investigation report from the court, cause it to be published in the Official Gazette.”.

6. *Amendment of section 436.*— In section 436 of the principal Act, in sub-section (2), in the table, after Serial Number 42 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4
“42A	If the master or owner contravenes the provisions of section 138A.	138A	Fine which may extend to double the average wages per hour payable to the seaman for working beyond forty-eight hours.”.

7. *Repeal and saving.*— (1) The merchant Shipping (Amendment) Ordinance, 1997, is hereby repealed. Ord. 19 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,
President

RAGHBIR SINGH,
Additional Secy. to the Govt. of India.

Notification

10-4-98/LA (1)

The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1997 (Ordinance No. 25 of 1997) which has been promulgated by the President

of India and published in Gazette of India, Extraordinary, Part II, Section I dated 25th December, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st January, 1998.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th December, 1997/Pausa 4, 1919
(Saka)

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) SECOND ORDINANCE, 1997

No. 25 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

Whereas a Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, has been introduced in Parliament but has not yet been passed;

And Whereas for giving effect to the provisions of the said Bill, the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1997 was promulgated by the President on the 22nd day September, 1997;

And Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1997.

(2) It shall be deemed to have come into force on the 22nd day of September, 1997.

2. *Amendment of section 6.*— In section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the principal Act), for the words “eight and one-third per cent.” and “ten per cent.”, wherever they occur, the words “ten per cent.” and “twelve per cent.” shall respectively be substituted.

3. *Amendment of section 7D.*— In section 7D of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal (hereinafter referred to as the Presiding Officer) unless he is, or has been, or is qualified to be,—

- (i) a Judge of a High Court; or
- (ii) a district judge.”.

4. *Amendment of section 7F.*— Section 7F of the principal Act shall be re-numbered as sub-section (I) thereof, and after sub-section (I) as so re-numbered the following sub-section, shall be inserted, namely:—

“(2) The Presiding Officer shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the High Court in which such Presiding Officer had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Presiding Officer.”.

5. *Amendment of section 16.*— In section 16 of the principal Act, in sub-section (I),—

- (i) in clause (c), the word “or” occurring at the end shall be omitted;
- (ii) clause (d) and the *Explanation* thereto shall be omitted.

6. *Repeal and saving.*— (1) The Employees, Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1997, is hereby repealed. Ord. 17 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,
President

RAGHBIR SINGH,
Additional Secy. to the Govt. of India.

Notification

10-4-98/LA(5)

The Essential Commodities (Special Provisions) Second Ordinance, 1998 (Ordinance No. 1 of 1998) which has been promulgated by the President of India and published in the Gazette of India Extraordinary, Part II, Section I dated 2nd January, 1998 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).
Panaji, 21st January, 1998.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 2nd January, 1998/Pausa 12, 1919(Saka)

THE ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) SECOND ORDINANCE, 1998

No. 1 OF 1998

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance to make certain special provisions by way of amendments to the Essential Commodities Act, 1955, for a temporary period for dealing more effectively with persons indulging in hoarding and blackmarketing of, and profiteering in essential commodities and for matters connected therewith or incidental thereto.

Whereas the Essential Commodities (Special Provisions) Ordinance, 1997 was promulgated by the President on the 3rd day of October, 1997;

And Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Essential Commodities (Special Provisions) Second Ordinance, 1998.

(2) It shall be deemed to have come into force on the 3rd day of October, 1997 except in the States of Arunachal Pradesh, Mizoram and the Union territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli and Lakshadweep; and in these States and Union territories on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and Union territories, and any reference to the commencement of this Ordinance or any provision thereof shall be construed in relation to each State and Union territory, as a reference, to the coming into force of this Ordinance in that State or Union territory.

2. *Act 10 of 1955 to have effect subject to certain special provisions for a temporary period.*— During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 11:

Provided that the amendments specified in sections 5 to 10 shall not apply to, or in relation to, any offence under the principal Act committed before the commencement of this Ordinance and the provisions of the principal Act shall apply to, and in relation to, such offences as if those amendments had not been made.

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(a) clause (ia) shall be re-numbered as clause (iia), and before clause (iia) as so re-numbered, the following clause shall be inserted, namely:—

‘(ia) “Code” means the Code of Criminal Procedure, 1973;’; and

(b) after clause (e), the following clause shall be inserted, namely:—

“(f) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in that Code.”.

4. *Amendment of section 6A.*— In section 6A of the principal Act, for the proviso to sub-section (2), the following proviso shall be substituted, namely:—

“Provided that in the case of any such essential commodity the retail sale price whereof has been fixed by the Central Government or a State Government under this Act or under any other law for the time being in force, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price so fixed.”.

5. *Amendment of section 7.*— In section 7 of the principal Act,—

(a) in sub-section (1), the proviso to sub-clause (ii) of clause (a) shall be omitted;

(b) the proviso to sub-section (2) shall be omitted;

(c) the proviso to sub-section (2A) shall be omitted;

(d) sub-section (2B) shall be omitted.

6. *Amendment of section 8.*— To section 8 of the principal Act, the following proviso shall be added, namely:—

“Provided that where a person has abetted the contravention of any order for the purpose of procuring any essential commodity of the nature mentioned in sub-clause (iva) or sub-clause (-) of clause (a) of section 2 for his own use or for the use of any member of his family or for the use of any person depended on him, and not for the purpose of carrying on any business or trade in such essential commodity, the court may, notwithstanding anything contained in section 7 and for reasons to be mentioned in the judgment, impose a sentence of fine only.”.

7. *Amendment of section 10A.*— For section 10A of the principal Act, the following section shall be substituted, namely:—

“10A. *Provision as to cognizance and bail.*— Notwithstanding anything contained in the Code, every offence punishable under—

(a) this Act shall be cognizable;

(b) this Act, except the offence punishable under sub-clause (i) of clause (a) of sub-section (1) of section 7, shall be non-bailable;

(c) sub-clause (i) of clause (a) of sub-section (1) of section 7, if committed more than once, shall be non-bailable.”.

8. *Insertion of new section 10AA.*— After section 10A of the principal Act, the following section shall be inserted, namely:—

“10AA. *Power to arrest.*— Notwithstanding anything contained in the Code, no officer below the rank of an officer-in-charge of a police station or any police officer authorised by him in this behalf in writing, shall arrest any person accused of committing an offence punishable under this Act.”.

9. *Omission of section 12.*— Section 12 of the principal Act shall be omitted.

10. *Substitution of new section for section 12A.*— For section 12A of the principal Act, the following sections shall be substituted, namely:—

‘12A. *Constitution of Special Court.*— (1) The State Government may, for the purpose of providing speedy trial of the offences under this Act, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas as may be specified in the notification.

(2) A Special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

Explanation.— In this sub-section, the word “appoint” shall have the meaning given to it in the Explanation to section 9 of the Code.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless—

(a) he is qualified for appointment as a judge of a High Court, or

(b) he has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge.

12AA. *Offences triable by Special Courts.*— (1) Notwithstanding anything contained in the Code,—

(a) all offences under this Act shall be triable only by Special Court constituted for the area in which the offence has been committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court;

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of section 167 of the Code, such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate.

Provided that where such Magistrate considers—

(i) when such person is forwarded to him as aforesaid;
or

(ii) upon or at any time before the expiry of the period of detention authorised by him;

that the detention of such person is unnecessary, he may, if he is satisfied that the case falls under the proviso to section 8, order the release of such person on bail and if he is not so satisfied, he shall order such person to be forwarded to the Special Court having jurisdiction;

(c) the Special Court may, subject to the provisions of clause (d), exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code in relation to an accused person in such case who has been forwarded to him under that section;

(d) save as aforesaid no person accused of or suspected of the commission of an offence under this Act shall be released on bail by any court other than a Special Court or the High Court;

(e) a Special Court may, upon a perusal of police report of the facts constituting an offence under this Act, take cognizance of that offence without the accused being committed to it for trial;

(f) all offences under this Act shall be tried in a summary way and the provisions of section 262 to 265 (both inclusive) of the Code shall, as far as may be, apply to such trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(2) When trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act, with which the accused may, under the Code, be charged at the same trial:

Provided that such other offence is, under any other law for the time being in force, triable in a summary way:

Provided further that in the case of any conviction for such other offence in such trial, it shall not be lawful for the Special Court to pass a sentence of imprisonment for a term exceeding the term provided for conviction in a summary trial under such other law.

(3) A Special Court may, with a view to obtaining the evidence of any person suspected to have been directly or indirectly concerned in, or privy to, an offence under this Act, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

(4) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section included also a reference to a "Special Court" constituted under section 12A.

12AB. *Appeal and revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Sessions trying cases within the local limits of the jurisdiction of the High Court.

12AC. *Application of Code to proceedings before a Special Court.*— Save as otherwise provided in this Act, the provisions of the Code (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

11. *Insertion of new section 15AA.*— After section 15A of the principal Act, the following section shall be inserted namely:—

"15AA. *Transfer of cases.*— Notwithstanding anything contained in any other law, any prosecution in respect of any offence under the principal Act, committed during the period commencing on the 1st day of September, 1997 and ending with the date of commencement of this Ordinance, shall be instituted only in the Special Court and any prosecution in respect of such offence pending in any court shall stand transferred to the Special Court."

12. *Repeal and saving.*— (1) The Essential Ord. 21 of Commodities (Special Provisions) Ordinance, 1997 1997. is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Principal Act, as amended by the said Ordinance so repealed, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,
President

RAGHBIR SINGH,
Secy. to the Govt. of India.

Notification

10-4-98/LA(4)

The Lotteries (Regulation) Second Ordinance, 1997 (Ordinance No. 31 of 1997) which has been promulgated by the President of India and published in the Gazette of India,

Extraordinary, Part II, Section I dated 30th December, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st January, 1998.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30th December, 1997/Pausa 9, 1919
(Saka)

**THE LOTTERIES (REGULATION) SECOND
ORDINANCE, 1997**

No. 31 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance to regulate the lotteries and to provide for matters connected therewith and incidental thereto.

Whereas the Lotteries (Regulation) Ordinance, 1997, to provide for the aforesaid matters was promulgated by the President on the 1st day of October, 1997;

And Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Lotteries (Regulation) Second Ordinance, 1997.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 2nd day of October, 1997.

2. *Definitions.*— In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “lottery” means a scheme, in whatever form and by whatever name called, for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets;

(b) “prescribed” means prescribed by rules made under this Ordinance.

3. *Prohibition of lotteries.*— Save as otherwise provided in section 4, no State Government shall organise, conduct or promote any lottery.

4. *Conditions subject to which lotteries may be organised, etc.*— A State Government may organise, conduct or promote a lottery, subject to the following conditions, namely:—

(a) prizes shall not be offered on any preannounced number or on the basis of a single digit;

(b) the State Government shall print the lottery tickets bearing the imprint and logo of the State in such manner that the authenticity of the lottery ticket is ensured;

(c) the State Government shall sell the tickets either itself or through distributors or selling agents;

(d) the State Government itself shall conduct the draws of all the lotteries;

(e) the prize money unclaimed within such time as may be prescribed by the State Government or not otherwise distributed, shall become the property of that Government;

(f) the place of draw shall be located within the State concerned;

(g) no lottery shall have more than one draw in a week;

(h) the draws of all kinds of lotteries shall be conducted between such period of the day as may be prescribed by the State Government;

(i) the number of bumper draws of a lottery shall not be more than six in a calendar year;

(j) such other conditions as may be prescribed by the Central Government.

5. *Prohibition of sale of ticket in a State.*— A State Government may, within the State, prohibit the sale of tickets of a lottery organised, conducted or promoted by another State.

6. *Prohibition of organisation, etc. of lottery.*— The Central Government may, by order published in the Official Gazette, prohibit a lottery organised, conducted or promoted in contravention of the provisions of section 4 or where tickets of such lottery are sold in contravention of the provisions of section 5.

7. *Penalty.*— If any person acts as an agent, a promoter or trader in any lottery organised, conducted or promoted in contravention of the provisions of this Ordinance or sells, distributes or purchases the ticket of such lottery, he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine or with both.

8. *Offences to be cognizable and non-bailable.*— The offence under this Ordinance shall be cognizable and non-bailable.

9. *Offences by companies.*— (1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

10. *Power to give directions.*— The Central Government may give directions to the State Government as to carrying into execution in the State of any of the provisions of this Ordinance or of any rule made thereunder.

11. *Power of Central Government to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Ordinance.

(2) Every rule made by the Central Government, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. *Power of State Government to make rules.*— (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) time to be fixed for claiming prize money under clause (e) of section 4;

(b) period to be fixed for draws of all lotteries under clause (h) of section 4; and

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

13. *Repeal and Saving.*— (1) The Lotteries Ord. 20 of (Regulation) Ordinance, 1997, is hereby repealed. 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

K. R. NARAYANAN,
President

RAGHBIR SINGH,
Additional Secy. to the Govt. of India.

Corrigenda

In the Finance Act, 1997 (26 of 1997) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 14th May, 1997 (Issue No. 40),—

1. At page 13, in lines 37 and 53, for “sub-section (2)”, read “sub-section (3)”.

2. At page 20, in line 42, for “validity”, read “validly”.

3. At page 23, in line 42, for “section 84”, read “section 88”.

4. At page 61,—

(i) in line 8, in column (3), for “-Glass”, read “-Glass”;

(ii) in line 9, in column (2), for “7010.11”, read “7010.11”;

(iii) in line 12, in column (3), for “—Glass chimneys;”, read “-Glass chimneys;”;

(iv) in line 53, in column (3), for “-Of stainless steel;”, read “-Of stainless steel;”

(v) in line 54, in column (2), for “720421”, read “7204.21”;

(vi) in line 59, in column (3), for “Pattis/pattas”, read “-Pattis/pattas”.

5. At page 62,—

(i) in line 16, in column (3), for “-Articles”, read “-Articles”;

(ii) in line 17, in column (2), for “7326.21”, read “7326.21”.

Corrigenda

In the Prasar Bharati (Broadcasting Corporation of India) Amendment Second Ordinance, 1997 (Ord. 29 of 1997) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 26th December, 1997 (Issue No. 66),—

1. At page 1, in the last line, for “shall deemed”, read “shall be deemed”.

2. At page 6, after line 36, insert—

“Provided that the President may, at any time before the expiration of the period of supersession, take action under this sub-section.”

Notification

10-4-98/LA

The Finance (Second Amendment) Ordinance, 1997 (Ordinance No. 24 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 24th December, 1997 is hereby published for general information.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 16th January, 1998.

MINISTRY OF LAW AND JUSTICE**(Legislative Department)**

New Delhi, the 24th December, 1997/Pausa 3, 1919
(Saka)

THE FINANCE (SECOND AMENDMENT) ORDINANCE, 1997

No. 24 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Finance Act, 1979 and Finance (No. 2) Act 1996.

Whereas the Finance Acts (Amendment) Ordinance, 1997 was promulgated by the President on the 16th day of September, 1997 to further amend the Finance Act, 1979 and the Finance (No. 2) Act, 1996;

And Whereas, the Finance Acts (Amendment) Ordinance, 1997 could not be replaced by an Act of Parliament due to the dissolution of the House of the People;

And Whereas, the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Finance (Second Amendment) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 16th day of September, 1997.

2. *Amendment of Act 21 of 1979.*— In sub-section (1) of section 35 of the Finance Act, 1979, for clause (i), the following clause shall be substituted, namely:—

“(i) for every such journey to any place outside India other than a place in a neighbouring country—

(a) at the rate of seven hundred and fifty rupees on or after the 26th day of September, 1997 but before the 1st day of January, 1998;

(b) at the rate of five hundred rupees on or after the 1st day of January, 1998;”.

3. *Amendment of Act 33 of 1996.*— In section 68 of the Finance (No. 2) Act, 1996,—

(a) in sub-section (1), for the words “two per cent.”, the words “five per cent.” shall be substituted;

(b) to sub-section (1) as so amended, the following proviso shall be added, namely:—

‘Provided that in the case of Goods falling under heading Nos. 27.09 to 27.15 and heading No. 98.01 of the said First Schedule, the provisions of this sub-section shall have effect as if for the words “five per cent.”, the words “two per cent.” had been substituted.’.

4. *Repeal and saving.*— (1) The Finance Acts (Amendment) Ordinance, 1997 is hereby repealed. Ord. 16 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the Finance Act, 1979 or the Finance (No. 2) Act, 1996 as amended by the said Ordinance, shall be deemed to have been done or taken under the Finance Act, 1979 or, as the case may be, the Finance (No. 2) Act, 1996, as amended by this Ordinance.

K. R. NARAYANAN,
President

RAGHBIR SINGH,
Additional Secy. to the Govt. of India.

Notification

10-4-98/LA

The Contingency Fund of India (Amendment) Ordinance, 1997 (Ordinance No. 30 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 26th December, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 16th January, 1998.

MINISTRY OF LAW AND JUSTICE**(Legislative Department)**

New Delhi, the 26th December, 1997/Pausa 5, 1919
(Saka)

THE CONTINGENCY FUND OF INDIA (AMENDMENT) ORDINANCE, 1997

No. 30 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Contingency Fund of India Act, 1950.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that the circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Contingency Fund of India (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Act 49 of 1950 to be temporarily amended.*— During the period of operation of this Ordinance, the Contingency Fund of India Act 1950 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2.*— In section 2 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

‘Provided that during the period beginning on the date of commencement of the Contingency Fund of India (Amendment) Ordinance, 1997, and ending on the 31st day of March, 1998, this section shall have effect subject to the modification that for the words

“fifty crores of rupees”, the words “fourteen thousand seven hundred crores of rupees” shall be substituted.’.

K. R. NARAYANAN,
President

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Department of Panchayat Raj and Community Development

Directorate of Panchayats

Notification

15-36/DP/DEL/97/327

In exercise of the powers conferred by sub-section (2) of section 241-A of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), (hereinafter referred to as the said Act), I, Shri G. G. Kambli, Director of Panchayats, with the previous approval of the Government, hereby delegate the powers vested in me under Section 53, 66, 178 and 201 of the Act to the Deputy Directors of Panchayats, North Goa and South Goa Districts, during my absence on official tour from 5-2-1998 to 10-2-1998.

G. G. Kambli, Director of Panchayats.

Panaji, 4th February, 1998.